

REMARKS

Applicants elect, Group I, claims 1, 4, 6-12, 14-23, 29-35, 37, 39, drawn to a nucleic acid sequence comprising an s-shp promoter, vectors comprising the promoter and cells comprising the vector. The claims in the remaining groups have been withdrawn or canceled and Applicants reserve the right to pursue them in divisional applications.

Applicants also elect, with traverse, the 11.5 kb-GFP construct. Species must be independent or distinct. In this case, the species are contained within the same upstream sequence and overlap with one another. The different species are smaller regions contained within a larger region. The 11.5 kb region contains each of the other recited species. A search of the entire 11.5 kb region effectuates a search of each of the other regions. The different species on page 3, line 32 to page 4, line 6 are neither independent nor distinct. Applicants respectfully request reconsideration of this election requirement.

The Examiner is invited to contact the undersigned agent at (512) 536-3081 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Gina Shishima
Reg. No. 45,104
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201
(512) 536-4598 (facsimile)

Date: April 17, 2009